

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In re

**SEAN DANIEL MCCARTHY
WANDA CARLYNE MCCARTHY,**

Debtors.

Case No. **10-62528-7**

ORDER

At Butte this 23rd day of November, 2010.

In this Chapter 7 case a Motion to Modify Stay was filed on November 4, 2010, by Fannie Mae with servicing agent Green Tree Servicing LLC (“Fannie Mae”) as Movant, including the notice of opportunity for hearing required under the Mont. LBR 4001-1(a) and LBR 8 giving parties fourteen (14) days to respond and providing that failure to respond by any entity will be deemed an admission that the Motion should be granted without further notice or hearing. The Motion was served on the Debtors, Debtors’ attorney, Trustee, and U.S. Trustee. The 14 day period has expired and no objection and request for hearing has been filed. In accordance with the Notice provision attached to Movant’s Motion, the failure of Debtors to respond is deemed an admission that the Movant’s Motion should be granted without further notice or hearing.

Accordingly,

IT IS ORDERED Fannie Mae’s Motion to Modify Stay filed on November 4, 2010 (Docket No. 10) is **GRANTED**; the stay is modified and Fannie Mae is authorized to seek

foreclosure and liquidation of its security interest in real property located at 8777 West Maule Avenue #3093, Las Vegas, NV 89148, more particularly described as:

Parcel I (Common Area), Parcel II (Living Unit No. 3093 in Building 13), and Parcel III (Limited Common Elements), of Amended Plat of a Portion of Arby Condominiums, as show by map on file in Book 132 of Plats, Page 83, recorded June 30, 2006, in Book 20060630 as Document No. 0006772, Official Records, in the Office of the County Recorder, Clark County, Nevada,

in accordance with applicable nonbankruptcy law and the terms of Fannie Mae's Motion; and this Order is effective immediately, not stayed for fourteen days under F.R.B.P. 4001(a)(3).

BY THE COURT

A handwritten signature in cursive script, reading "Ralph B. Kirscher", is written over a solid horizontal line.

HON. RALPH B. KIRSCHER
U.S. Bankruptcy Judge
United States Bankruptcy Court
District of Montana